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 Attorneys for Defendants and Counterclaimants  
 iriver, Ltd.; iriver, Inc.

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

e.Digital Corporation,  
  
 Plaintiff,  
  
 v.  
  
 iriver, Ltd.; iriver, Inc.; and Buy.com Inc.,  
  
 Defendants.  
  
 iriver, Ltd.; iriver, Inc.; and Buy.com Inc.,  
  
 Counterclaimants,  
  
 v.  
  
 e.Digital Corporation,  
  
 Counter-Defendant.

Case No. 3:12-cv-02800-DMS-WVG

**JOINT MOTION RE:  
 STIPULATION AND NOTICE OF  
 VOLUNTARY DISMISSAL OF  
 ACTION WITHOUT PREJUDICE**

**Judge:  
 Hon. Judge Dana M. Sabraw**

**Ctrm: 13A (Annex)**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR  
2 THE SOUTHERN DISTRICT OF CALIFORNIA:

3 Plaintiff and Counter-Defendant e.Digital Corporation (“Plaintiff”;  
4 Defendants and Counterclaimants iriver, Ltd. and iriver, Inc. (collectively “iriver”  
5 or “Defendants”) hereby present this joint stipulation and notice of dismissal.

6 Plaintiff and the Defendants are collectively referred to hereafter as “the  
7 Parties.” The Parties stipulate and provide notice as follows:

8 Plaintiff and iriver have reached an agreement on a settlement of all claims  
9 brought in this Action. On the basis of the settlement reached, the parties hereby  
10 stipulate and agree as follows:

11 1) Plaintiff hereby voluntarily dismisses all claims brought in this Civil  
12 Action against Defendants and Counterclaimants iriver, Ltd. and iriver, Inc. WITH  
13 PREJUDICE. All other Defendants have already been dismissed from the case;

14 2) Defendants and Counterclaimants iriver, Ltd and iriver, Inc. hereby  
15 voluntarily dismiss all of their counterclaims brought in this Civil Action against  
16 Plaintiff and Counter-Defendant e.Digital Corporation WITH PREJUDICE; and,

17 3) Each party shall bear its own costs and attorneys’ fees.

18 Thus, it is thereby respectfully requested, in accordance with Federal Rules  
19 of Civil procedure 41(a)(1)-(2), that the Court enter an order as follows:

20 1) Plaintiff and Counter-Defendant e.Digital Corporation’s claims made  
21 it in its Complaint (Docket #1) against iriver, Ltd., iriver, Inc. are dismissed WITH  
22 PREJUDICE;

23 2) Defendants and Counterclaimants iriver, Ltd., iriver, Inc.’s  
24 counterclaims (Docket #15) are hereby dismissed WITH PREJUDICE; and,

25 3) Each party shall bear its own costs and attorneys’ fees.

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1 **AGREED AND SO STIPULATED:**

2 Respectfully submitted,

3 **HANDAL & ASSOCIATES**

4 Dated: May 20, 2013

By: /s/Pamela C. Chalk  
Anton N. Handal  
Pamela C. Chalk  
Gabriel G. Hedrick  
Attorneys for Plaintiff  
e.Digital Corporation

9 **LEE, HONG, DEGERMAN, KANG &  
WAIMEY**

10 Dated: May 20, 2013

By: /s/Soo A. Hong  
Larry R. Schmadeka  
Soo A. Hong  
Attorneys for Defendants  
iriver, Ltd.; iriver, Inc.

**ATTESTATION OF E-FILED SIGNATURE**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Pamela C. Chalk, attest that signatory Soo A. Hong has each read and approved the foregoing and consents to its filing in this action.

By /s/Pamela C. Chalk

Pamela C. Chalk

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2  
3 **CERTIFICATE OF SERVICE**  
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5 The undersigned hereby certifies that a true and correct copy of the  
6 foregoing document has been served on this date to all counsel of record, if any to  
7 date, who are deemed to have consented to electronic service via the Court's  
8 CM/ECF system per CivLR 5.4(d). Any other counsel of record will be served by  
9 electronic mail, facsimile and/or overnight delivery upon their appearance in this  
10 matter.  
11

12 I declare under penalty of perjury of the laws of the United States that the  
13 foregoing is true and correct. Executed this 20th day of May, 2013 at San Diego,  
14 California.  
15

16 **HANDAL & ASSOCIATES**  
17

18 Dated: May 20, 2013

19 By: /s/Pamela C. Chalk  
20 Anton N. Handal  
21 Pamela C. Chalk  
22 Gabriel G. Hedrick.  
23 Attorneys for Plaintiff  
24 e.Digital Corporation  
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